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United States of America

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS LAYMAN BINFORD,

Defendant.

Case No: 1:20-cr-00150 ADA/BAM

**STIPULATION TO: (1) SET FEBRUARY 6, 2023
CHANGE OF PLEA HEARING, AND (2)
VACATE BOTH JANUARY 17, 2023 TRIAL
CONFIRMATION HEARING AND JANUARY
31, 2023 TRIAL DATE; ORDER**

Ctrm: 1
Date: February 6, 2023
Time: 8:30 am.

Hon. Ana de Alba

STIPULATION

THE PARTIES HEREBY STIPULATE, through their respective counsel, Assistant United States Attorney, Brian W. Enos, on behalf of the government, and Mark D. Coleman, Esq., on behalf of defendant Thomas Layman Binford ("Binford"), that: (1) a change of plea hearing be scheduled to take place on Monday, February 6, 2023, at 8:30 am; and (2) this action's January 17, 2023 trial confirmation hearing and January 31, 2023 trial both be vacated. The parties have confirmed the court's availability regarding the above-proposed change of plea hearing's date and time.

1 The parties base this stipulation on good cause and therefore ask the court to endorse this
2 stipulation by way of formal order. Specifically,

- 3 1. After extensive negotiations, including: (1) follow up communications and investigation
4 involving a broadened analyses of this case's electronic evidence, (2) additional queries
5 made to this matter's arresting police officers, and (3) the resulting modification and delivery
6 of an updated written plea offer whose terms have been discussed with defendant, the parties
7 have reached a tentative agreement resolving this case.
- 8 2. The terms of this agreement are memorialized in a plea agreement, which the parties intend
9 to sign and file as soon as possible. Notwithstanding the current holiday season and its
10 attendant delays, the parties expect the plea agreement to be filed within the next week or
11 two. The government also committed to defense counsel that it would follow up with law
12 enforcement regarding the extent video recordings exist regarding this matter that have not
13 yet been produced in discovery.
- 14 3. The parties have since compared respective calendars and met and conferred about available
15 dates wherein they could both appear at a change of plea hearing. The parties have also
16 cleared Monday, February 6, 2023 (8:30 a.m.) regarding the scheduling of this hearing with
17 chambers of Courtroom 1. In light of these efforts, the parties ask the court to endorse their
18 stipulation to set a change of plea hearing for Monday, February 6, 2023, at 8:30 a.m. in
19 Courtroom 1. Pursuant to additional communications with chambers, the parties likewise ask
20 the court to vacate both this action's previously scheduled January 17, 2023 trial
21 confirmation hearing and January 31, 2023 trial date.
- 22 4. Pursuant to relevant provisions of 18 U.S.C. § 3161, the parties previously obtained a waiver
23 of time in this action through January 31, 2023 pursuant to the court's order of September 6,
24 2022 endorsing the parties' stipulation. Dkt. 48. For the reasons set forth herein, the parties
25 further stipulate that the period of time from January 31, 2023 through February 6, 2023 is
26 deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv)
27 because it results from the setting of a change of plea hearing granted by the Court at the
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1 parties' request on the basis of the Court's finding that the ends of justice served by taking
2 such action outweigh the best interest of the public and the defendant in a speedy trial.

3 IT IS SO STIPULATED.

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5 Dated: December 27, 2022

PHILLIP A. TALBERT
United States Attorney

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7 By: /s/ Brian W. Enos
Brian W. Enos
Assistant United States Attorney

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9 *(As authorized 12/27/22)*

10 Dated: December 27, 2022

11 By: /s/ Mark D. Coleman
Mark D. Coleman, Esq.
Attorney for Defendant
Thomas Layman Binford

ORDER

IT IS ORDERED that:


(1) A change of plea hearing is set to take place on Monday, February 6, 2023, at 8:30 a.m. in Courtroom 1; and

(2) the trial confirmation hearing set for Tuesday, January 17, 2023, and the trial date set for Tuesday, January 31, 2023, are both vacated.

IT IS FURTHER ORDERED THAT the period of time from January 31, 2023 through February 6, 2023 is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv) because it results from the setting of a change of plea hearing granted by the Court at the parties' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

IT IS SO ORDERED.

Dated: December 27, 2022


UNITED STATES DISTRICT JUDGE